

RECEIVED
CENTRAL FAX CENTER

DEC 24 2008

FAX TRANSMISSION

DATE: December 24, 2008

PTO IDENTIFIER: Application Number 10/630,555-Conf. #7477
Patent Number

Inventor: Kohei Miyazono et al.

MESSAGE TO: US Patent and Trademark Office and Kery Fries

FAX NUMBER: (571) 273-8300 and (571) 273-3219

FROM: FULBRIGHT & JAWORSKI L.L.P.

Norman D. Hanson

PHONE: (212) 318-3168

Attorney Dkt. #: NY-LUD 5298-US5-DIV (10309270)

PAGES (Including Cover Sheet): 6

CONTENTS:

Renewed Application For Patent Term Extension
Letter Regarding Patent Term Adjustment dated December 19, 2008

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 318-3168 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue, New York, New York 10103

Telephone: (212) 318-3000 Facsimile: (212) 318-3400

**RECEIVED
CENTRAL FAX CENTER****DEC 24 2008**Docket No.: NY-LUD 5298-US5-DIV
(PATENT)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 and Kery FRIES, Senior Legal Advisor, facsimile no. (571) 273-3219, on the date shown below.

Dated: December 24, 2008

Signature:

Fani Malikouzakis
(Fani Malikouzakis)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of
Kohei Miyazono et al.

Allowed: January 8, 2008

Application No.: 10/630,555

Confirmation No.: 7477

Filed: October 31, 2007

Art Unit: 1646

For: ANTIBODIES WHICH BIND
SPECIFICALLY TO ACTIVIN
RECEPTOR LIKE KINASES

Examiner: B. D. Hissong

RENEWED APPLICATION FOR PATENT TERM EXTENSION

Attn.: Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner for Patent Examination Policy
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is submitted responsive to the Letter Regarding Patent Term Adjustment of December 19, 2008, a copy of which is attached).

In the "Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b)," dated January 8, 2008, the USPTO indicates that the patent term of this application will be adjusted by 597 days.

Application No.: 10/630,555

Docket No.: NY-LUD 5298-US5-DIV

It is believed that this is incorrect, however. Previously, it was argued that the term should be extended by 668 days; however, applicants now request an extension of 1014 days. The reasons for this contention are as follows.

On April 28, 2006, the USPTO issued a Restriction Requirement, 575 days later than a first action should have issued.

That action, however, was not a valid one, as the Examiner considered claims which had already been canceled, and did NOT consider the actual pending claims.

Please note that on July 10, 2006, the USPTO VACATED the April 28, 2006 action, and issued a new one, on July 12, 2006.

First it is believed that this additional 71 days should be added to the Patent Term because of this.

On January 8, 2008, a Notice of Allowance issued in this case, and the issue fee was paid on March 3, 2008. The USPTO then withdrew the Notice of Allowance, on July 31, 2008, without substantive explanation. No follow-up action ever issued, and applicants submitted new sequences, on August 8, 2008, after a discussion with SPE Nichol.

The patent which will issue here from is not subject to a Terminal Disclaimer. Please see the Decision dated December 31, 2007, a copy of which was submitted previously.

Pursuant to 37 C.F.R. § 1.705(iv)(A) and (B), it is believed that the remaining calculations carried out by the USPTO are correct.

The issue fee ostensibly due on March 19, 2009, has not yet been paid.

Pursuant to 37 C.F.R. § 1.18(e), a fee of \$200.00 was paid previously. Please apply these fees, paid on February 29, 2008 to this Renewed Petition.

Application No.: 10/630,555

Docket No.: NY-LUD 5298-US5-DIV

Favorable action on this Application is requested.

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 50-0624, under Order No. NY-LUD 5298-US5-DIV (10309270)) from which the undersigned is authorized to draw.

Dated: December 24, 2008

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

Attorney for Applicant

(212) 318-3000

(212) 318-3400 (Fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22312-1450
www.uspto.gov

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

COPY MAILED

DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Miyazono, et al.
Application No. 10/630,555
Filed: July 30, 2003
Atty. Dkt. No.: NY-LUD 5298.5-
DIV-US

: LETTER REGARDING
: PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM
EXTENSION," filed February 29, 2008. This matter is being
treated as an application for patent term adjustment under 37
CFR 1.705(b). Applicants request that the initial determination of
patent term adjustment under 35 U.S.C. 154(b) be corrected from 597
days to 668 days.

The Determination of Patent Term Adjustment under 35 U.S.C.
154(b), mailed January 8, 2008, stated that the patent term
adjustment (PTA) to date is 597 days. The instant application
for patent term adjustment and issue fee payment were timely
filed March 3, 2008.

However, prior to a decision on the application for patent term
adjustment being rendered, on July 31, 2008, the application was
withdrawn from issue.

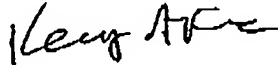
In view thereof, a decision is being **held in abeyance** until
after the mailing of any new Notice of Allowance and the filing
(or resubmission) of any application for patent term adjustment
under 37 CFR 1.705(b). A new determination of patent term
adjustment will accompany any new Notice of Allowance and will
include any further adjustments or reductions accrued to date.
Applicant must submit a timely application for patent term
adjustment in response to any new Notice of Allowance. An
application for patent term adjustment under 37 CFR 1.705(b) is
properly filed after the mailing of the Notice of Allowance on
which the application issues and prior to payment of the issue
fee (or a request for reapplication of the issue fee) in
response to that Notice. A copy of this decision should
accompany the application for patent term adjustment, along with
a request to apply the fee set forth in 37 CFR 1.18(e) paid on
February 29, 2008.

Application No. 10/630,355

2

Technology Center AU 1646 has been advised of this decision.
The application is, thereby, forwarded to the Technology Center
for further processing.

Telephone inquiries specific to this decision should be directed
to the undersigned at (571) 272-3219.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy